

11/16/01  
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10/05/01 11/16/01

PTO/SB/05 (11-00)

Approved through 10/31/2002 OMB 0651-0032

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.	7000-107
First Inventor	Au et al
Title	SCHEDULER WITH FAIRNESS CONTROL AND QUALITY OF SERVICE SUPPORT
Express Mail Label No.	EL873243416US

10/05/01  
J0963 U.S. PRO

11/16/01

APPLICATION ELEMENTS	ADDRESS TO:
See MPEP chapter 600 concerning utility patent application contents	Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
3. <input checked="" type="checkbox"/> Specification [Total Pages 16] (preferred arrangement set forth below) - Descriptive title of the invention - Cross References to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the invention - Brief Summary of the invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure	a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 3 sets of 3]	<b>ACCOMPANYING APPLICATIONS PARTS</b>
5. Oath or Declaration [Total Pages 2] a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) (for a continuation/divisional with Box 18 completed) c. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)	9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input checked="" type="checkbox"/> 37 C.F.R. § 37.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney (when there is an assignee) 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input type="checkbox"/> Other: _____
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_

Group / Art Unit \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer Number or Bar Code label here)	or <input type="checkbox"/> Correspondence address below
Name	27820 PATENT TRADEMARK OFFICE	
Address		
City	State	Zip Code
Country	Telephone	Fax
Name (Print/Type)	Benjamin S. Withrow	Registration No. (Attorney/Agent)
Signature		Date
		November 16, 2001

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

The PTO did not receive the following listed item(s)

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision

**Complete if Known****TOTAL AMOUNT OF PAYMENT** (\$) 1014

Application Number

Filing Date

November 16, 2001

First Named Inventor

Au et al

Examiner Name

Group / Art Unit

Attorney Docket No

7000-107

**METHOD OF PAYMENT (check one)**1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to

Deposit  
Account  
Number

50-1732

Deposit  
Account  
Name

Withdraw &amp; Terranova, P L L C

☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status.  
See 37 CFR 1.272. ☒

Payment Enclosed

☐ Check☒ Credit card☐ Money  
Order☐ Other**FEE CALCULATION**

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)**

(\$ 740)

2. EXTRA CLAIM FEES

Total Claims	33	-20**	=	13	X	18	=	234
Independent Claims	3	-3**	=	0	X	84	=	0
Multiple Dependent					X		=	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$ 234)

\*\*or number previously paid, if greater, For Reissues, see above

**FEE CALCULATION (continued)**

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 40)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)

Benjamin S. Withrow

Registration No. Attorney/Agent

40,876

Telephone

919-654-4520

Signature

Date

November 16, 2001

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: *Au et al.*

Serial No. TBA

Filed: 11/16/2001

For: **SCHEDULER WITH FAIRNESS CONTROL AND QUALITY OF SERVICE  
SUPPORT**

Commissioner for Patents  
Box FILING DATE  
Washington, D.C. 20231

Sir:

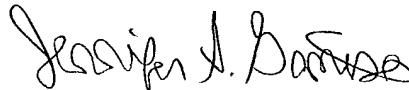
**REFUSAL OF EXPRESS MAIL BY UNITED STATES POSTAL SERVICE**

On November 16, 2001, I attempted to send the above-referenced application via the United States Postal Service's "Express Mail to Addressee" service from the post office in Cary, North Carolina. The Express Mail package was refused by the postal service. Accordingly, the Director is hereby requested to afford the enclosed application a filing date of November 16, 2001.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Jennifer A. Garrison  
Paralegal

Withrow & Terranova, P.L.L.C.  
P.O. Box 1287  
Cary, NC 27512  
Telephone: (919) 654-4520

Date: November 19, 2001  
Attorney Docket: 7000-107

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

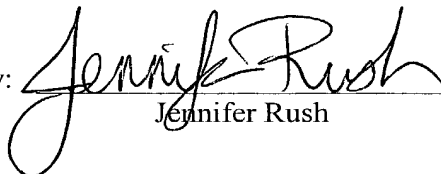
CERTIFICATE OF MAILING/EXPRESS MAIL

"Express Mail" Mailing Label Number EL873243416US

Date of Deposit November 16, 2001

I hereby certify that this paper, which is a Utility Patent Application entitled  
**SCHEDULER WITH FAIRNESS CONTROL AND QUALITY OF SERVICE SUPPORT**  
(our file 7000-107), and the attached fee are being deposited with the United States Postal  
Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date  
indicated above and is addressed to the Commissioner for Patents, Box Patent Application,  
Washington, D.C. 20231.

Mailed By:

  
Jennifer Rush

EL873243416US